D.B. CIVIL WRIT PETITION NO.2802/2007
Gumana Ram Vs. State of Rajasthan & Ors.

Date : 14.05.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. L.D. Khatri for the petitioner.

This is not a public interest litigation. Admittedly, this petition refers to consideration of applications moved by the individuals for allotment of land.

The material placed on record shows that in the first instance meeting was fixed for considering all the pending applications for allotment of agricultural land. Thereafter by order dated 10.4.2007, the meeting was fixed for considering the applications filed in 2004. The petitioner has also placed on record Annex.3 by which the Legal Cell of the Additional Commissioner Colonization (Vigilance) had requisitioned all files in which the application for allotment has been rejected in the first instance by the allotting authority and on appeal the matter may have been remanded for reconsideration to consider the advisability of taking any further proceedings by way of filing appeal/ revision.

The precise contention of the petitioner by way of this petition labeled as PIL is that the applications of date prior to 2004 have been once rejected but the applicants who have succeeded in appeal are being excluded by the aforesaid communication.

Apparently, in the matter of allotment of land, the individuals who had applied for the allotment may be considered to be interested but the public in general cannot be said to have any interest in allotment being made in favour of any particular person or class of persons. If any applicant, who is interested in seeking allotment of land in his favour by considering his pending application, he has necessary locus to pursue his own interest. The petitioner indirectly seeks to pursue individual interest of those applicants, whose applications have already been rejected once and in the process of further proceedings by the State.

We are of the opinion that this sort of litigation is primarily a personal interest litigation individual of the applicants cannot be considered as a public interest litigation to be pursued by the petitioner claiming to be total stranger to such applicants merely because a number of persons' applications in the like circumstances may be pending after remand. Each allotment application is of individual concern and any member of public cannot be said to

have any such interest in it to fall in the domain of enforcement of public duty.

The petition is accordingly rejected as public interest litigation without prejudice to the right of affected parties to take recourse to his/her own remedy as may be available under the law.

[BHANWAROO KHAN], J. [RAJESH BALIA], J.

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